

REMARKS

The above-noted amendments to the claims are respectfully submitted in response to the official action dated December 29, 2005. A number of these amendments are in direct response to the Examiner's objections under § 112, second paragraph, and are believed to clearly eliminate these objections. In addition, however, applicant also submits that all of the present claims now set forth in this application define subject matter which is clearly patentable over the art, including the art cited by the Examiner. It is therefore believed that all of the claims in this application are now distinguishable from the prior art, and are patentable in accordance with all of the rules and statutory provisions applying thereto. Therefore, reconsideration and allowance of this application is respectfully solicited.

Claims 1-21, 34, and 43-65 have been rejected as being unpatentable under 35 U.S.C. § 112, second paragraph. In view of the above-noted amendments to the claims, this rejection is respectfully traversed.

With respect to claim 1, the Examiner has contended that this claim is indefinite because it allegedly remains unclear whether the structures recited in lines 1-4 comprise part of the claimed invention. Applicant, in his prior response, has continuously asserted that claims such as claim 1 are specifically directed to the dispenser itself and not to the container which is inferentially referred to therein. Thus, applicant's position continues to be that claims such as claim 1 are specifically directed to the dispenser itself. In any event, however, and to further clarify this position, the portions of claims 1-4 referred to by the Examiner have now been deleted so that it is now quite clear that the claims are specifically directed to a dispenser. In addition, however, claim 1 has been further amended in order to more clearly define

the patentable subject matter hereof, as is discussed in more detail hereinbelow.

With respect to the objections to claims 10, 14-20, and 34, reference is made to the above-noted amendments to these claims, which are believed to clearly obviate these objections. As for claim 43, applicant would merely reiterate the above-noted contentions with respect to the amendments to claim 43 and the fact that this claim also is now clearly directed to the dispenser thereof. Finally, the amendments to claims 48, 48, and 49 are also believed to obviate the objections thereto.

It is again therefore respectfully submitted that all of the prior rejections under § 112 have now been obviated, and reconsideration and allowance of these claims is respectfully solicited.

Claims 1-42 have been rejected as being anticipated by Julius '360. This rejection is respectfully traversed in view of the above amendments and arguments and for the reasons set forth hereinafter.

Turning to claim 1, it is first noted that applicant's prior invention, as embodied in the '360 patent, is also directed to a holder for a dispenser package. However, the principal object of the present invention is nowhere mentioned or discussed in the '360 patent, and in fact simply could not be accomplished by the device thereof. In particular, the dispenser for wet wipes in accordance with the present invention can be used in conjunction with a container of those wet wipes in a removable manner, but more particularly in a way which, for the first time, guarantees that not only can the individual wet wipes be removed from the container through the open area of the support member, but that each of the wet wipes is maintained in a moist condition. This, in turn, is accomplished by the requirement that the support member be maintained at a specified

angle with respect to the selected surface on which the base portion is mounted, and more particularly such that the support member faces generally horizontally or in a downward direction when the base portion is mounted on the selected surface. In contrast, in the device disclosed in the '360 patent, the use of this dispenser package results in the container facing either upwardly or in a vertical direction, and thus, in turn, results in the individual wet wipes drying out over time since the flow of liquid either downwardly away from the opening or in a vertical direction away from the opening eventually leaves the topmost wet wipes in a dried-out condition. In contrast, by utilizing the claimed dispenser of the present invention, the opening in the container when the container is applied to the dispenser in the required manner faces either horizontally or in a downward direction, and thus additional liquid within the container will flow towards the opening in the container, thus maintaining the wet wipes in a moist condition. This provides a significant improvement over the prior art, and reconsideration and allowance of claims such as claim 1 is therefore respectfully solicited.

Turning to claim 22, which clearly claims both the container and the dispensing system for the wet wipes therein, applicant submits that at least these very same arguments can be made with respect to the claim limitations concerning the nature and substance of the dispenser used in this system. Thus, these arguments apply with at least equal force to the arguments in favor of claim 1, and it is therefore clear that claim 22 is also patentable thereover. It is also noted in this regard that no objections under § 112 have been made with respect to claim 22.

It is further noted that certain of the claims dependent on claims 1 and 22 include additional limitations which clearly provide further patentable delineation over the

'360 patent. For example, claim 4 requires that the base portion be disposed below the support member, that the selected surface be a substantially horizontal surface, while at the same time still requiring that the predetermined angle be such that the support member faces generally horizontally or in a downward direction. No such structure is disclosed in the '360 patent. The same arguments can be made with respect to claim 5, and with respect to claims 25 and 26, which depend from claim 22.

It is therefore once again respectfully submitted that each of these claims is now patentably distinguishable over the prior art, including the '360 patent, and reconsideration and allowance of these claims is therefore respectfully solicited.

It is finally noted that the Examiner has already indicated that claims 43-65 would be allowable if amended to overcome the rejections under § 112, second paragraph, and since applicant has now accomplished this, these claims are also clearly allowable, along claims 66-82, which have already been allowed.

It is therefore once again respectfully submitted that all of the claims in this application now possess the requisite novelty, utility and unobviousness to warrant their immediate allowance, and such action is therefore respectfully solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Finally, if there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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